

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: January 11, 2005
)	
Barbara Baldwin)	DOCKET NO.: 04F-002
Public Health Advisor (Former))	
Department of Health)	
3507 Morrison Street, NW)	
Washington, DC 20015)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Barbara Baldwin, Public Health Advisor, Department of Health, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 17, 2004, OCF ordered Barbara Baldwin (hereinafter respondent), to appear at a scheduled hearing on August 25, 2004, and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2003, on or before June 21, 2004. On August 23, 2004, respondent filed an affidavit with OCF stating that she separated from the District Government on August 3, 2003. Respondent stated that upon separation from government service, she was not informed orally or in writing of the requirement to file a final FDS with OCF. Respondent further stated that after recovery from surgery in May 2004, she fully executed an FDS and mailed the required report to OCF on or around July 21, 2004. OCF received a copy of the aforementioned FDS on August 24, 2004.

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Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a member of the Management Supervisory Service; and paid at the rate of MS-13 or above.
2. Respondent timely filed the Financial Disclosure Statement for calendar year 2002 on May 15, 2003.
3. Respondent separated from the District Government on August 3, 2003.
4. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
5. OCF received respondent's Financial Disclosure Statement for calendar year 2003 on August 24, 2004.
6. Respondent provided a credible explanation for the filing delinquency in that she believed her agency had not informed her of the requirement to file a final FDS with OCF upon separation from government service; but, upon realizing the requirement, she filed after recovering from surgery in May 2004.
7. OCF provided notice to file if the filer ceases to serve prior to May 15th of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
8. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.

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3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on January 11, 2005.

cc: Gregg A. Pane, M.D.
Director, Department of Health
825 North Capitol Street, NE
Washington, DC 20002

Jeanette Fields, HR Advisor
Department of Health
825 North Capitol Street, NE
Washington, DC 20002

NOTICE

Pursuant to 3DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.